


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Zoning & Special Projects Planner
 JL Joel Lawson, Associate Director Development Review
DATE: March 24, 2023
SUBJECT: Extension Request – BZA Case 18878E, 1017 12th Street, N.W.

The Office of Planning (OP) recommends the Board **approve** the requested time extension.

Address:	1017 12 th Street, N.W.
Applicant:	Alba 12 th Street LLC
Legal Description:	Square 316, Lot 281
Ward / ANC	Ward 2; ANC 2C (previously in 2F)
Zone	DD/C-2-C / Hosing Priority Area (Now D-5-R)
Site Image	 <p><i>Current view from 12th Street, N.W.</i></p>
Project Summary:	<p>Demolish all but the façade of a non-historic 19th rowhouse structure and construct a 9 story, 9.77 FAR, 100% lot occupancy office building without parking for the applicant's non-profit organization. The 4.5 FAR housing requirement would be met through combined lot development (now Credits).</p> <p>The BZA order provided variances for FAR, rear yard and then-required parking. This application requests a two-year extension of the Order's approval.</p>
Date of Order Issuance:	01/06/15 (original order); 02/11/19 (decision on remand).
Previous Extension:	02/18/21 (one-year administrative Covid extension); 02/27/22 (second one-year administrative Covid extension)
Order Expiration:	02/21/23

Board of Zoning Adjustment

EVALUATION OF THE EXTENSION REQUEST

Subtitle Y Section 705 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application submitted to the BZA is dated February 10, 2023 and has been in the public record since filing. Pursuant to Subtitle Y § 705.2(a) the request was served on ANC 2C and on the opposition party 1101 K Street NW Acquisition LLC.

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board’s justification for approving the original application.**

Zoning Regulations:

Although the original application was filed under the 1958 Zoning Regulations and the zone designation and zoning regulations have since transitioned to the 2016 Zoning Regulations since then, there is no significant difference in the regulations for this site that would undermine the reasons for the Board’s approval of the original application. Under the 2016 regulations, there would be no need for the parking relief variance.

Surrounding Development:

The surrounding area remain a high-density mixed-use area with 110-to-130-foot high buildings; primarily office space and hotels, but with one office -to-residential conversion nearing completion one block to the west. In addition to the applicant’s site, the property Square (316) is occupied by two large-scale 10+-story office buildings. There has been no change in the surrounding development that would impact the material facts upon which the BZA based its original approval.

Proposed Development:

The application indicates that no changes to the approved development are proposed as part of this extension request.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**

The applicant cites difficulties in obtaining financing for office buildings. At Exhibit 8 the applicant submitted 5 articles from newspapers or websites between July 2022 and January 2023 documenting the downturn in the Washington, DC and national markets for office space.

- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or**

(3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The applicant notes that the original Order was under appeal from 2015 to 2019, resulting in delays to obtaining financing. This was followed by Covid and the decline in the demand for new office space in the District, and nationwide. Together these have impeded the applicant's ability to secure financing.

OTHER DISTRICT AGENCIES

As of the date of this report, no other agency comments had been filed to the record.

ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, comments from the ANC had not been filed to the record.

COMMUNITY COMMENTS TO DATE

As of the date of this report, no community comments had been filed to the record.